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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION

9 Dmytro VEROVKIN,)	Case No.: C 07-3987-CW
10)	
11 Plaintiff,)	
12)	
13 vs.)	NOTICE OF MOTION AND MOTION TO
14 David N. STILL, District Director, United)	REVIEW CLERK'S TAXATION OF COSTS
15 States Citizenship & Immigration Services,)	OR WAIVE OUT OF TIME FILING
16)	
)	Date: May 1, 2008
)	Time: 2:00 p.m.
)	Courtroom: 2, 4 th Floor
)	
)	

17 Comes now the Plaintiff and moves the Court for review of Clerk's Taxation of Cost
18 under Civ. L.R. 54-5 or waiver of out of time filing under Rule 60(b) of the Federal Rules of
19 Civil Procedure.

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21 The Clerk has determined that Plaintiff's Bill of Costs was submitted out of the time set
22 by L.R. 54-1(a) which reads, "No later than 14 days after entry of judgment or order under which
23 costs may be claimed, a prevailing party claiming taxable costs must serve and file a bill of
24 costs."

25
26 Plaintiff erred in his understanding of the term "entry of judgment" taking the
27 understanding that the Defendant's right to appeal must expire before the judgment becomes
28

1 final and pursuant to his desire to follow the rules precisely, he filed his Bill of Costs on March
2 4, 2008. See attached *Declaration of Dmytro Eduardovich Verovkin*.

3 Ordinarily, ignorance or misapprehension of Court Rules is not a reason to waive a
4 deadline and being a *pro se* party does not alter that rule; "[i]gnorance of court rules does not
5 constitute excusable neglect, even if the litigant appears pro se." *Swimmer v. IRS*, 811 F.2d 1343,
6 1345 (9th Cir. 1987). However, the Supreme Court has analyzed the circumstances under which
7 missing a filing deadline counts as "excusable" or "inexcusable" neglect in *Pioneer Inv. Servs.*
8 *Co. v. Brunswick Assocs. Ltd. partnership*, 507 U.S. 380 (1993).

9 In *Pioneer*, the Supreme Court held that the determination of whether a party's neglect is
10 excusable "is at bottom an equitable one, taking account of all relevant circumstances
11 surrounding the party's omission." 507 U.S. at 395.

12 In this case, where Plaintiff is entitled to costs as a "matter of course" as ordered by the
13 Court, there can be no prejudice or harm to the Defendant resulting from the late submission of
14 Plaintiff's Bill of Costs. Defendant did not object to or oppose Plaintiff's Bill of Costs.

15 Wherefore, Plaintiff moves the Court for an order allowing his out of time filing and
16 permitting the clerk to tax costs as submitted by Plaintiff.

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21 Respectfully submitted,

22 /s/
23 DMYTRO EDUARDOVICH VEROVKIN
24 Plaintiff, Pro Se

25 It is so ordered,

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Claudia Wilken,
District Court Judge